

REMARKS

In light of the above amendments and following remarks, reconsideration and allowance of this application are respectfully requested.

It is submitted that these claims, as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

Claims 6-8 and 13 and amended claims 1-5, 9-12 and 14-17 are in this application.

At paragraph 2 of the outstanding Office Action of January 29, 2004, the Examiner rejected claims 1-6 and 14-17 under 35 U.S.C. §103(a) as being unpatentable over Mouly (U.S. Patent No. 5,878,033) in view of Moline (U.S. Patent No. 5,878,033). Applicants respectfully traverse the rejection.

Amended independent claim 1, recites in part, "A method for determining access times of a plurality of segments of a plurality of broadcast objects...**each of the plurality of said segments of said plurality of broadcast objects are permitted to have a different size, and to be transmitted in a different repetitive pattern, and also are permitted to be transmitted in a broadcast cycle in different orders...**" (Underlining and Bold added for emphasis.)

It is respectfully submitted that the references relied upon by the Examiner do not teach the above-recited feature(s) of amended independent claim 1.

In explaining the above 103(a) rejection with regard to claim 1, the Examiner acknowledged that Mouly does not teach that “a broadcast object of a broadcast cycle includes a header defining a repetition distance which is the distance between the completed transmission of the broadcast object and its next repetition.” In an attempt to overcome this deficiency, the Examiner relies on Moline to teach such feature. In particular, the Examiner appears to rely column 17, lines 15-18 and lines 27-31 of Moline.

Moline teaches that tracks include a track with a repetitive pattern, which has a repetition time and may include tracks from other participants (column 17, lines 14-19). Furthermore, Moline teaches that a track contains repetition sequences each of which fits one repetitive pattern (column 17, lines 25-31). However, Moline does not teach that each of the plurality of segments of the plurality of the broadcast objects are permitted to have a different size, to be transmitted in a different repetitive pattern and permitted to be transmitted in a broadcast cycle in different orders, as does amended independent claim 1. Moline appears to state that a group of tracks has one specific repetition time, whereas the present invention states that each segment of each object can have a repetition time that is different for each segment of each object. Moreover, Moline appears to state that each track 105(i) has the same repetitive pattern 1003, whereas in the present invention each object has a different repetitive pattern or order. Therefore amended independent claim 1 is believed to be distinguishable from the applied combination of Mouly and Moline.

For reasons similar to those described above with regard to amended independent claim 1, amended independent claim 14 is also believed to be distinguishable from the applied combination of Mouly and Moline.

Furthermore, applicants submit that claims 2-6 and 15-17 depend from one of amended independent claims 1 and 14, and are therefore distinguishable for this reason alone.

Applicants therefore respectfully request that the rejection of claims 1-6 and 14-17 under 35 U.S.C. §103(a) be withdrawn.

At paragraph 9 of the outstanding Office Action of January 29, 2004, the Examiner rejected claims 7-10 under 35 U.S.C. §103(a) as being unpatentable over Mouly (U.S. Patent No. 5,878,033) in view of Moline (U.S. Patent No. 5,878,033) as applied to claim 1 and further in view of Cheng et al. (U.S. Patent No. 6,157,949). Applicants respectfully traverse the rejection.

Claims 7-10 are dependent from amended independent claim 1, and due to such dependency, are believed to be distinguishable from the applied combination of Mouly and Moline for at least the reasons previously described. The Examiner does not appear to rely on Cheng to overcome the above-identified deficiencies of Mouly and Moline. Therefore, claims 7-10 are believed to be distinguishable from the applied combination of Mouly, Moline and Cheng.

Applicants therefore, respectfully request the rejection of claims 7-10 under 35 U.S.C. 103(a) be withdrawn.

At paragraph 15 of the outstanding Office Action of January 29, 2004, the Examiner rejected claims 11 and 12 under 35 U.S.C. §103(a) as being unpatentable over Mouly (U.S. Patent No. 5,878,033) in view of Moline (U.S. Patent No. 5,878,033) in view of Cheng et al. (U.S. Patent No. 6,157,949) and further in view of Boyle (U.S. Patent No. 5,864,854). Applicants respectfully traverse the rejection.

Claims 11 and 12 are dependent from amended independent claim 1, and due to such dependency, are believed to be distinguishable from the applied combination of Mouly and

Moline for at least the reasons previously described. The Examiner does not appear to rely on Cheng and Boyle to overcome the above-identified deficiencies of Mouly and Moline. Therefore, claims 11 and 12 are believed to be distinguishable from the applied combination of Mouly, Moline, Cheng and Boyle.

Applicants therefore, respectfully request the rejection of claims 11 and 12 under 35 U.S.C. 103(a) be withdrawn.

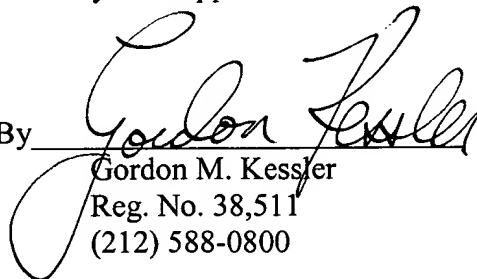
In the event that the Examiner disagrees with any of the foregoing comments concerning the disclosures in the cited prior art, it is requested that the Examiner indicate where in the reference, there is the bases for a contrary view.

Please charge any fees incurred by reason of this response and not paid herewith to Deposit Account No. 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By


Gordon M. Kessler
Reg. No. 38,511
(212) 588-0800